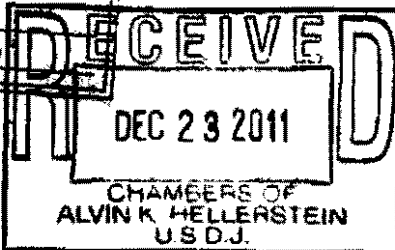


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TELEPHONICALLY FILED

FILED: 12/29/11



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December 23, 2011

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VIA ELECTRONIC MAIL AND FACSIMILE

Hon. Alvin K. Hellerstein, U.S.D.J.  
United States District Court for the  
Southern District of New York  
500 Pearl Street, Rm. 1050  
New York, NY 10007

Re: *In Re: World Trade Center Disaster Site Litigation*, 21MC100 (AKH)  
Raul Weeks (05cv02551)

Dear Judge Hellerstein:

As the Court is aware, we represent certain Contractors ("Defendants") in the above-captioned matter. Christopher LoPalo, Esq. represents Plaintiffs Raul and his wife, Ana Weeks (05cv02551). This letter is jointly submitted by counsel for Defendants and Mr. and Mrs. Weeks regarding the status of their lawsuit. By way of background, Mr. and Mrs. Weeks first filed a complaint naming the City of New York (the "City") and Contractors as defendants on March 3, 2005. They later dismissed the City by stipulation entered on May 8, 2008. As the Court is aware, Plaintiffs' counsel, counsel for the Insureds of the WTC Captive Insurance, Co. Inc. ("WTC Captive"), and counsel for the WTC Captive announced a Settlement had been reached in March 2010. The Settlement was amended in June 2010, and Plaintiffs eligible to participate in the Settlement who wished to "opt-in" were required to submit a Release and Covenant Not to Sue and Second Injury Letter ("Settlement Documents") by the Final Settlement Effective date, which was January 5, 2011.

Mr. and Mrs. Weeks uploaded PDF copies of their Settlement Documents to the Allocation Neutral administering the Settlement on November 18, 2010. Mr. Weeks' signatures on these documents however, were not notarized or dated as required by the Settlement. Upon review of the Settlement Documents, counsel for the WTC Captive promptly informed Mr. LoPalo that the Settlement documents were deficient. In the year since, Mr. LoPalo has attempted on numerous occasions to reach Mr. Weeks, yet he was unable to contact him to resolve this issue. As a result, of Mr. Weeks' failure to properly complete his opt-in documents,

*provide for answering interrogatories under oath.*

*12/29/11*

*James B. Tyrrell, Jr.*



Hon. Alvin K. Hellerstein, U.S.D.J.  
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the parties agreed that Mr. Weeks should no longer be considered an opt-in plaintiff for purposes of the Settlement but should instead be treated as an opt-out plaintiff with an active claim.

The Court previously Ordered all opt-out plaintiffs to produce signed, blank HIPAA-compliant authorizations and populate the 21 MC 100 Court Mini-Database. Because the parties originally believed that Mr. Weeks intended to participate in the Settlement, he was not considered an opt-out plaintiff and he was not Ordered to comply with those deadlines. However, Mr. Weeks never officially opted in to the settlement despite having over a year to do so. Accordingly, the parties respectfully request that Mr. Weeks be given the opportunity to proceed with this lawsuit as an opt-out case. The parties agree that give these circumstances, Mr. Weeks should be given until January 20, 2012 to populate the 21 MC 100 Court Mini-Database and produce signed HIPAA compliant authorizations to Defendants and respectfully request the Your Honor "So Order" this letter if Your Honor agrees.

Should Your Honor have any questions or require any further information, we are available at the Court's convenience.

Respectfully submitted,

s/  
James E. Tyrrell, Jr., Esq.  
PATTON BOGGS LLP  
*Defendants' Co-Liaison Counsel*  
Respectfully submitted,

Respectfully submitted,

s/  
Christopher LoPalo, Esq.  
WORBY GRONER EDELMAN  
& NAPOLI BERN LLP  
*Plaintiffs' Co-Liaison Counsel*

Judge wrote:

“The parties shall present an order to show cause, to be served upon Mr. and Mrs. Weeks, personally and/or by registered or certified mail, warning him of the proposed change of status and giving these plaintiffs 10 days to comply. If there is a failure to comply, a subsequent order to show cause shall provided for answering interrogatories under oath.

12/29/11

Alvin K. Hellestein”